IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION NO.3316 OF 2004

Lala Narayan Gawade & ors. .. Applicants

vs

The State of Maharashtra, .. Respondent.

Mr R.D.Suryawanshi, for the applicants.

Mr R.Y.Mirza, APP for the respondent.

CORAM : D.B.BHOSALE,J.

DATE : 9th AUGUST, 2004.

PC:

1. Heard Mr. Suryawanshi, learned counsel for the applicant and Mr.Mirza, learned A.P.P for the respondent.

2. The applicants are involved in C.R.No.19/2004 registered at Baramati Taluka Police Station mainly under sections 302 and 307 of Indian Penal Code. The alleged occurrence took place on 21.3.2004 at 7.15 pm when the applicants and 21 others are alleged to have attacked the rival group in the village consisting of deceased Navnath, complainant Santosh, Ganesh, Tanaji , Ankush etc. The alleged occurrence took place on account of political rivalry between the two groups in the village. In so far as the present applicants are concerned, the Sessions Court, while rejecting their application bearing No.184 of 2004, seeking bail by

order dated 14.7.2004 in paragraph 10 thereof, recorded the role allegedly played by them. Paragraph 10 of the order reads thus:

> "10. From Application No.184/04, the role of the accused no.3 Lala Narayan Gawade is that he gave blow by pipe to Santosh Narayan Gawade on his right shoulder. Contusion on right shoulder was noticed. The role of accused no.10 Shivaji Shankar Yadav is not active as no injured has complained against him. The role of accused no.11 Sadashiv Shankar Yadav is that he gave blow by iron bar on the left shoulder of Santosh Narayan Gawade. Contusion on right shoulder and pattern abrasion over back were noticed. The role of accused no.15 Machinder Sambhaji Gawade is that he gave blow by axe to Dinesh Gawade. CLW on right little finger was noticed. The role of accused no.20 Prakash Sukhdev More is that he gave blow by stick of axe on the legs of Santosh Tulshiram Gawade. Contusion on left knee was noticed. The role of accused no.21 Lavha Gorakh Bhapkar is that he gave blow by iron bar on the back and legs of Ganesh Gawade. Punctured wound was noted on right foot and pattern abrasion was noted on the back. The role of accused no.23 Suresh Ramchandra Nikam is that he gave blow by

iron bar on leg and back of Santosh Tulshiram. Contusion over left knee was noted."

Accused nos.3,11,20,21 and 23 referred to in the above paragraph are applicant nos 1 to 5 in the instant application. It is clear from the role allegedly played by the applicants that they did not assault the deceased. Mr Mirza, learned APP after verifying the statements of other witnesses, confirmed that the only role allegedly played by the applicants is as reflected in the aforesaid paragraph 10 of the order. They seem to have assaulted Santosh Narayan Gawade, Dinesh Gawade, Santosh Tulshiram Gawade, Ganesh Gawade, Ankush, Ramchandra and Tanaji. I have perused their injury certificates. Keeping in view the nature of injuries suffered by them and considering the role played by all the applicants, I am inclined to enlarge them on bail.

3. The applicants are directed to be enlarged on bail on their furnishing personal bonds of Rs.10,000/- each with one or two sureties of the like amount to the satisfaction of the trial Court subject to the conditions that they shall not enter within the jurisdiction of village Medad for a period of four months from the date of their release. The applicants shall keep informed their residential addresses to the concerned police station where they propose to stay during the aforesaid period after their release on bail

and shall report to the nearest police station from the place of their residence on every Saturday between 10 am and 11 am. After four months, the applicants will be allowed to enter village Medad subject to the condition that they shall report the concerned police station on every Saturday between 10 am and 11 am until the conclusion of their trial.

. While allowing this application, I shall not be understood to have expressed any opinion on merits of the case. The Sessions Court shall decide the case uninfluenced by the observations made in this order.

(D.B.BHOSALE, J.)